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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/525,898	03/15/2000	Törnry Palenius	040070-922	9354
42015	7590	04/08/2005		EXAMINER
POTOMAC PATENT GROUP PLLC P. O. BOX 855 MCLEAN, VA 22101				LEE, CHI HO A
			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 04/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/525,898	PALENIUS, TORGNY
	<b>Examiner</b>	<b>Art Unit</b>
	Andrew Lee	2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 October 2004.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 2-8,12,13 and 17-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 5-8,13,18,20 and 21 is/are allowed.
- 6) Claim(s) 2-4,12,17,19 and 22-31 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 2-4, 12, 17, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Umeda et al U.S. Patent Number 5,420,850.

Re Claim 2, fig. 1 teaches a base station transmitting a composite signal (See col. 4, lines 46-60) comprising of plurality of PN channels (a set of codes) to the mobile receiver (receiving a composite signal). In a control channel receiving level measuring mode, the control part 25 of mobile station estimates the interference level at the receiver with the spreading code (at least one reserved code) corresponding to the control channel (See col. 6, lines 33-54). In this case, PNo code is the only reserved code from the set of PN codes to be used for measuring interference for the control channel measuring mode (interference measurement only).

Re Claim 3, wherein the control channel does not used for transmitting traffic signals (not used for transmitting signals).

Re Claims 4, 17, refer to Claim 2, the base station broadcasts a control channel that identifies the communication channels to the mobile (See col. 5, lines 20-28) and the PNo (at least one code) is reserved for the base station (cell to which the receiver belongs).

Re Claim 12, further teaches that the mobile stores (a memory) information about the control channels (said reserved code) of adjoining cells (See col. 9, lines 30-40).

Re Claim 19, refer to Claim 2, wherein mobile station 20 (See fig. 1) includes the correlation Detector 22 for despreading the received composite signal Sr by a PNo code sequence (the reserved at least one code) generated by the PN GEN 23 and the Interference Level Detector 24B outputs the results respective to the mobile station.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 22-31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Newly submitted Independent Claims 22 and 27, recite "a probability that the composite signal includes a transmitted signal representing a data stream that has been spread by means of the second spreading code is low enough to permit the interference at the receiver to be reliably estimated" that is not describe in the specification.

In particular, the written description lacks computing any probability to determine the spreading code is low enough to permit interference to be reliably estimated.

***Allowable Subject Matter***

5. Claims 5-8, 13, 18, 20, 21 are allowed.

***Response to Arguments***

6. Applicant's arguments filed 10/28/04 have been fully considered but they are not persuasive.

Re Claim 2, Applicant argues that, Umeda et al fails to teach "reserving at least one code in a set of codes form interference measurement only....and estimating said interference at a receiver using said at least one reserved code".

Examiner respectively disagrees.

Fig. 1 teaches plurality of PN codes used in the base station to create the composite signal to be received at the mobile station. When the PNo code is assigned for the control channel use, it is inherent that the PNo code is reserved for despreading the control channel at the mobile. Furthermore, during Control Channel Receiving Level Measuring Mode, the control part 25 of the mobile station controls the PN GEN 23 to generate the PNo code for despreading Control channel (at least one reserved code) to only measure the interference level of the control channel.

**Conclusion**

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

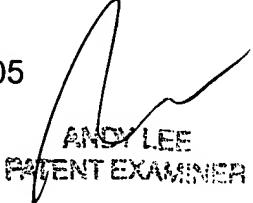
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Lee whose telephone number is 571-272-3130. The examiner can normally be reached on Monday to Friday from 8:30AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on 571-272-3139. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AI  
3/31/05



ANDY LEE  
PATENT EXAMINER

A handwritten signature in black ink. The name "ANDY LEE" is written above the title "PATENT EXAMINER". The signature is fluid and cursive.